

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

CARL KOST

Plaintiff,

v.

PAUL GRAHAM, *et al.*

Defendant.

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CIVIL ACTION NO. 6:13cv319

**ORDER ADOPTING REPORT AND
RECOMMENDATION OF UNITED STATES
MAGISTRATE JUDGE**

The Report and Recommendation of the Magistrate Judge, which contains her findings, conclusions, and recommendation for the disposition of this case has been presented for consideration. The Report and Recommendation (Doc. No. 27) recommends that the Motion to Dismiss (Doc. No. 16 & 21) be granted and that the complaint be dismissed with prejudice. An acknowledgement of receipt card shows that Mr. Kost received the Report and Recommendation on July 29, 2013. No written objections have been filed. The Court therefore adopts the findings and conclusions of the Magistrate Judge as those of the Court.

In light of the foregoing, it is

ORDERED that the Motion to Dismiss (Doc. No. 16 & 21) is **GRANTED** and the claims of Carl Kost are **DISMISSED** with prejudice.

Any motion not previously ruled on is **DENIED**.

So ORDERED and SIGNED this 26th day of August, 2013.

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

**LEONARD DAVIS
UNITED STATES DISTRICT JUDGE**